

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

IN RE:	§	
	§	Case No. 21-30107
PDG PRESTIGE, INC.	§	(Chapter 11)
	§	
Debtor.	§	
	§	

AMENDED SCHEDULE AB

I declare under penalty of perjury that I have read the following Amended Schedule AB, and that it is / they are true and correct to the best of my knowledge, information, and belief.

PDG Prestige, Inc.

/s/ Michael Dixon

By: Michael Dixon, President

ATTORNEYS FOR DEBTOR

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GENERAL NOTICE AND EXPLANATION

The amended schedules do not alter or amend the Debtor's proposed Chapter 11 plan. The amendments are made to make Schedule AB consistent with the disclosure statement and/or plan.

IN THE EVENT OF ANY CONFLICT BETWEEN THE THIS AMENDED SCHEDULE AB AND THE DISCLOSURE STATEMENT AND/OR PLAN, THE DISCLOSURE STATEMENT AND/OR PLAN AS APPLICABLE SHALL CONTROL.

The amendments to Schedule AB consist of additions to Item Nos. 15, 74, and 75, and no other changes.

Fill in this information to identify the case:Debtor name **PDG Prestige, Inc.**United States Bankruptcy Court for the: **WESTERN DISTRICT OF TEXAS**Case number (if known) **21-30107**
☐ Check if this is an amended filing
Official Form 206A/B**Schedule A/B: Assets - Real and Personal Property**

12/15

Disclose all property, real and personal, which the debtor owns or in which the debtor has any other legal, equitable, or future interest. Include all property in which the debtor holds rights and powers exercisable for the debtor's own benefit. Also include assets and properties which have no book value, such as fully depreciated assets or assets that were not capitalized. In Schedule A/B, list any executory contracts or unexpired leases. Also list them on *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G).

Be as complete and accurate as possible. If more space is needed, attach a separate sheet to this form. At the top of any pages added, write the debtor's name and case number (if known). Also identify the form and line number to which the additional information applies. If an additional sheet is attached, include the amounts from the attachment in the total for the pertinent part.

For Part 1 through Part 11, list each asset under the appropriate category or attach separate supporting schedules, such as a fixed asset schedule or depreciation schedule, that gives the details for each asset in a particular category. List each asset only once. In valuing the debtor's interest, do not deduct the value of secured claims. See the instructions to understand the terms used in this form.

Part 1: Cash and cash equivalents**1. Does the debtor have any cash or cash equivalents?**

- ☐ No. Go to Part 2.
☒ Yes Fill in the information below.

All cash or cash equivalents owned or controlled by the debtor**Current value of debtor's interest****3. Checking, savings, money market, or financial brokerage accounts (Identify all)**

Name of institution (bank or brokerage firm)

Type of account

Last 4 digits of account number

3.1. **Chase (balance as of March 11, 2021)****Checking****\$42,640.39**3.2. **CityBank (balance as of March 11, 2021)****\$0.00****4. Other cash equivalents (Identify all)****5. Total of Part 1.**

Add lines 2 through 4 (including amounts on any additional sheets). Copy the total to line 80.

\$42,640.39**Part 2: Deposits and Prepayments****6. Does the debtor have any deposits or prepayments?**

- ☒ No. Go to Part 3.
☐ Yes Fill in the information below.

Part 3: Accounts receivable**10. Does the debtor have any accounts receivable?**

- ☐ No. Go to Part 4.
☒ Yes Fill in the information below.

11. Accounts receivable

Debtor PDG Prestige, Inc. Case number (If known) 21-30107
Name

11b. Over 90 days old: 0.00 - 0.00 =... Unknown
face amount doubtful or uncollectible accounts

12. **Total of Part 3.**

Current value on lines 11a + 11b = line 12. Copy the total to line 82.

\$0.00

Part 4: Investments

13. **Does the debtor own any investments?**

- ☐ No. Go to Part 5.
☒ Yes Fill in the information below.

Valuation method used
for current value

Current value of
debtor's interest

14. **Mutual funds or publicly traded stocks not included in Part 1**
Name of fund or stock:

15. **Non-publicly traded stock and interests in incorporated and unincorporated businesses, including any interest in an LLC, partnership, or joint venture**

Name of entity: % of ownership

15.1. Membership units in The Gateway Ventures LLC, 100% of outstanding units. 100 % Unknown

16. **Government bonds, corporate bonds, and other negotiable and non-negotiable instruments not included in Part 1**
Describe:

17. **Total of Part 4.**

Add lines 14 through 16. Copy the total to line 83.

\$0.00

Part 5: Inventory, excluding agriculture assets

18. **Does the debtor own any inventory (excluding agriculture assets)?**

- ☒ No. Go to Part 6.
☐ Yes Fill in the information below.

Part 6: Farming and fishing-related assets (other than titled motor vehicles and land)

27. **Does the debtor own or lease any farming and fishing-related assets (other than titled motor vehicles and land)?**

- ☒ No. Go to Part 7.
☐ Yes Fill in the information below.

Part 7: Office furniture, fixtures, and equipment; and collectibles

38. **Does the debtor own or lease any office furniture, fixtures, equipment, or collectibles?**

- ☒ No. Go to Part 8.
☐ Yes Fill in the information below.

Part 8: Machinery, equipment, and vehicles

46. **Does the debtor own or lease any machinery, equipment, or vehicles?**

- ☒ No. Go to Part 9.
☐ Yes Fill in the information below.

Debtor PDG Prestige, Inc.
Name

Case number (If known) 21-30107

Part 9: Real property

54. Does the debtor own or lease any real property?

- ☐ No. Go to Part 10.
☒ Yes Fill in the information below.

55. Any building, other improved real estate, or land which the debtor owns or in which the debtor has an interest

Description and location of property Include street address or other description such as Assessor Parcel Number (APN), and type of property (for example, acreage, factory, warehouse, apartment or office building, if available).	Nature and extent of debtor's interest in property	Net book value of debtor's interest (Where available)	Valuation method used for current value	Current value of debtor's interest
55.1. 510 and 550 S Telshor, Las Cruces. Referred to by parties often as Lot 1A and Lot 3A. See addendum for property description. Stabilized value greater than \$4.7MM.		Unknown	N/A	\$4,700,000.00
55.2. Various ground leases real property Lot 1A, Lot 3A.		Unknown		Unknown

56. Total of Part 9.

Add the current value on lines 55.1 through 55.6 and entries from any additional sheets.
Copy the total to line 88.

\$4,700,000.00

57. Is a depreciation schedule available for any of the property listed in Part 9?

- ☒ No
☐ Yes

58. Has any of the property listed in Part 9 been appraised by a professional within the last year?

- ☒ No
☐ Yes

Part 10: Intangibles and intellectual property

59. Does the debtor have any interests in intangibles or intellectual property?

- ☒ No. Go to Part 11.
☐ Yes Fill in the information below.

Part 11: All other assets

70. Does the debtor own any other assets that have not yet been reported on this form?

Include all interests in executory contracts and unexpired leases not previously reported on this form.

- ☐ No. Go to Part 12.
☒ Yes Fill in the information below.

Current value of debtor's interest

Debtor PDG Prestige, Inc.
NameCase number (If known) 21-30107

71. **Notes receivable**
Description (include name of obligor)
72. **Tax refunds and unused net operating losses (NOLs)**
Description (for example, federal, state, local)
73. **Interests in insurance policies or annuities**
74. **Causes of action against third parties (whether or not a lawsuit has been filed)**
Various potential claims and-or causes of action as identified in Disclosure Statement, Chapter 11 plan, and-or Plan Supplement filed in this case. The Plan Supplement is attached for immediate reference. See also Docket Nos. 93, 94, 110, 111, 116, 118, 119, 126, 141, and the to be filed Second Amended Plan as Modified.
- | | |
|------------------|---------|
| Nature of claim | Various |
| Amount requested | \$0.00 |

Unknown

75. **Other contingent and unliquidated claims or causes of action of every nature, including counterclaims of the debtor and rights to set off claims**

See No. 74

Nature of claim	Various
Amount requested	\$0.00

Unknown

76. **Trusts, equitable or future interests in property**
77. **Other property of any kind not already listed** Examples: Season tickets, country club membership

78. **Total of Part 11.**

Add lines 71 through 77. Copy the total to line 90.

\$0.00

79. **Has any of the property listed in Part 11 been appraised by a professional within the last year?**

☒ No
☐ Yes

Debtor **PDG Prestige, Inc.**
NameCase number (If known) **21-30107****Part 12: Summary**

In Part 12 copy all of the totals from the earlier parts of the form

Type of property	Current value of personal property	Current value of real property
80. Cash, cash equivalents, and financial assets. <i>Copy line 5, Part 1</i>	\$42,640.39	
81. Deposits and prepayments. <i>Copy line 9, Part 2.</i>	\$0.00	
82. Accounts receivable. <i>Copy line 12, Part 3.</i>	\$0.00	
83. Investments. <i>Copy line 17, Part 4.</i>	\$0.00	
84. Inventory. <i>Copy line 23, Part 5.</i>	\$0.00	
85. Farming and fishing-related assets. <i>Copy line 33, Part 6.</i>	\$0.00	
86. Office furniture, fixtures, and equipment; and collectibles. <i>Copy line 43, Part 7.</i>	\$0.00	
87. Machinery, equipment, and vehicles. <i>Copy line 51, Part 8.</i>	\$0.00	
88. Real property. <i>Copy line 56, Part 9.....></i>		\$4,700,000.00
89. Intangibles and intellectual property. <i>Copy line 66, Part 10.</i>	\$0.00	
90. All other assets. <i>Copy line 78, Part 11.</i>	\$0.00	
91. Total. Add lines 80 through 90 for each column	\$42,640.39	\$4,700,000.00
92. Total of all property on Schedule A/B. Add lines 91a+91b=92		\$4,742,640.39

ATTACHMENT FOR ITEM NOS. 74-75

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

IN RE:	§	
	§	Case No. 21-30107
PDG PRESTIGE INC.	§	(Chapter 11)
Debtor.	§	

**FIRST SUPPLEMENT TO CHAPTER 11 PLAN AND DISCLOSURE
STATEMENT REGARDING RETAINED CLAIMS AND CAUSES OF ACTION**

PDG Prestige, Inc. debtor and debtor in possession, in furtherance of the *First Amended Disclosure Statement in Support of the First Amended Plan of Reorganization of PDG Prestige, Inc. Dated January 17, 2022* (Docket No. 111) and as corrected subsequent to the hearing (Docket No. 116) (collectively, the “Disclosure Statement”) filed herein on January 17, 2022 by PDG Prestige, Inc., debtor and debtor in possession (“PDGP” or the “Debtor”) the proposed *First Amended Plan of Reorganization of PDG Prestige, Inc. dated January 17, 2022* (Docket No. 110), hereby provides the following supplement of retained claims and causes of action which the Debtor may pursue following confirmation of the Plan.

Unless otherwise defined here, capitalized terms used herein shall have the same meaning as ascribed to such terms in the Plan and/or Disclosure Statement as applicable.

- (1) **Claims and causes of action in relation to Dennis Crimmins.** As originally stated in the §3.5.2.2 of the Disclosure Statement, PDGP expressly reserves and retains for the benefit of the estate and/or the Reorganized Debtor any and all facts, claims, causes of action, issues, rights, remedies, and/or defenses (a) that are asserted or that may be asserted in the Crimmins Adversary against Dennis Crimmins and any other person, entity, or insider of Dennis Crimmins who may be liable with or an indemnitor of Dennis Crimmins in relation to any and all claims and/or causes of action of PDGP relating to the Crimmins Lis Pendens and (b) against Dennis Crimmins and any other person, entity, or insider of Dennis Crimmins who may be liable with or an indemnitor of Dennis Crimmins in relation the Crimmins Lis Pendens and/or including but not limited to slander and/or impairment of title, consequential damages, malicious abuse of process, malicious or bad faith prosecution, and any penalties or damages under applicable New Mexico law or other applicable law.
- (2) **Claims and causes of action in relation to New Mexico Real Estate Advisors, Inc. d/b/a Colliers International.**
 - a. As originally stated in the §3.5.2.2 of the Disclosure Statement, PDGP also expressly reserves and retains for the benefit of the estate and/or the Reorganized Debtor any and all facts, claims, causes of action, issues, rights, remedies, and/or defenses against New Mexico Real Estate Advisors, Inc. d/b/a Colliers International (“NMREA”), including but not limited to claims for breach of contract and/or one or more intentional tort claims.
 - b. In addition, by and through any recoveries that may be had with respect to such claims, PDGP reserves any and all rights of set off as to NMREA.
 - c. Any treatment in the Plan with respect to NMREA is provided only to the extent that NMREA possesses an allowed claim, and PDGP may object to the claim(s) of NMREA following confirmation of the Plan.

- (3) **Claims and causes of action in relation to Structures Hardscape Specialists, Inc.** PDGP retains any and all facts, issues, rights, remedies, claims, causes of action, and/or defenses relating to the post-petition work performed or attempted to be performed on the Subject Property by Structures Hardscape Specialists, Inc., a Minnesota corporation, including but not limited to any and all claims for breach of contract, fraud, negligence, negligent misrepresentation, damages to the Subject Property, violation of the applicable construction trust fund statute, consequential damages, and attorney's fees, expenses, and any and all costs of representation, and any other penalties or damages under applicable New Mexico law or other applicable law.
- (4) **Claims and/or causes of action related to Springer Management of Las Cruces LLC et al.** Any and all any and all facts, issues, rights, remedies, claims, causes of action, and/or defenses relating to (a) enforcement of the development agreement and/or any covenants which run with land relating to the Debtor and/or the Subject Property and (i) Springer Management of Las Cruces LLC, (ii) Tom Springer, (iii) the Pecan Grill & Brewery, and/or (iv) the real property contiguous to the Subject Property and commonly referred to as 500 S. Telshor Blvd. Las Cruces, New Mexico and/or Lot 2A (collectively, the “Springer Parties”), (b) interference with the development, use, and/or quiet enjoyment of the Subject Property, by the Debtor or predecessor or successor to or of the Debtor, by or from any of the Springer Parties.
- (5) **Westar Adversary Proceeding.** Any and all any and all facts, issues, rights, remedies, claims, causes of action, and/or defenses relating and/or against any of the other parties in the litigation originally initiated by Westar Investors Group LLC which action is now pending in this Court under Adversary Proceeding No. 21-03009.
- (6) **Scheduled claims.** Any claims and/or causes of action referenced and described in the schedules, statement of financial affairs, and/or any other pleading filed by the Debtor in this bankruptcy case and/or any adversary proceeding.

The right to commence, pursue, prosecute, and/or settle such claims and/or causes of action shall be preserved notwithstanding the occurrence of the Effective Date. The Reorganized Debtor shall retain and may enforce all rights to commence, pursue, prosecute, and/or settle, as appropriate, each of the retained claim and/or causes of action. In addition, the Reorganized Debtor shall have, retain, reserve, and be entitled to assert all such claims, causes of action, rights of setoff or recoupment, and other legal or equitable defenses as fully as if the Chapter 11 case had not been commenced, and all of the Debtors' legal and equitable rights in respect of any unimpaired claim may be asserted after the confirmation date and Effective Date to the same extent as if the Chapter 11 Cases had not been commenced.

No entity may rely on the absence of a specific reference to any claim and/or cause of action against it as any indication that the reorganized Debtor will not pursue any and all available claims and/or causes of action against it.

No preclusion doctrine, including the doctrines of res judicata, collateral estoppel, issue preclusion, claim preclusion, estoppel (judicial, equitable, or otherwise), or laches, shall apply to the retained claims and/or causes of action upon, after, or as a consequence of confirmation or consummation of the Plan.

The Reorganized Debtor shall have the exclusive right, authority, and discretion to determine, initiate, file, prosecute, enforce, abandon, settle, compromise, release, withdraw, or litigate to judgment any retained claims and/or causes of action, and to decline to do any of the foregoing without the consent or approval of any third party or further notice to, or action, order, or approval of, the Bankruptcy Court.

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THE DEBTOR RESERVES THE RIGHT TO AMEND AND/OR SUPPLEMENT THIS
STATEMENT PRIOR TO THE CONFIRMATION HEARING.

Dated: February 13, 2022

Respectfully submitted:

WEYCER, KAPLAN, PULASKI & ZUBER, P.C.

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ATTORNEYS FOR PDG PRESTIGE, INC.,
DEBTOR AND DEBTOR IN POSSESSION